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IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor **Jürgen MORTON-FINGER**
Patent App. **10/772,162**
Filed **3 February 2004** Conf. No. 1883
For **MULTI-LAYER MONOFILAMENT AND PROCESS FOR
MANUFACTURING A MULTI-LAYER MONOFILAMENT**
Art Unit **1774** Examiner **Edwards, N**
Hon. Commissioner of Patents
Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.181

Applicant respectfully petitions to invoke the supervisory authority of the Honorable Commissioner of Patents to refund the extension fee paid in this case.

In the Office Action of 5 October 2004, the Examiner required applicant "to elect a single disclosed species for claims 5, 6 and 7" if Group I was elected.

Group I was elected and applicant elected, in addition the species of claim 7 as required.

In the subsequent communication of 16 November 2004 the Examiner found that election to be inadequate and held that the case would become abandoned unless applicant elected a single species within each of the Markush groups of claims 5, 6 and 7. Instead of providing a shortened term for reply the Examiner held that the case would go abandoned unless applicant corrected the alleged deficiency and obtained an extension of time for which a fee was due. However, the requirement to elect a single species from each of the Markush groups in each of claims 5, 6 and 7 was

not part of the original requirement and the penalty of requiring an extension is therefore improper.

It is requested that the Commissioner or his delegatee, in exercise of the supervisory power, revise the communication mailed 16 November 2004 so that the amendment submitted concurrently herewith will be accepted without an extension of the term requiring a fee.

Respectfully submitted,
The Firm of Karl F. Ross P.C.

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